

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DIANE BENNETT,

Plaintiff,

-vs-

CASE NO.: 3:17-CV-0506
JUDGE TRAUGER

SYNCHRONY BANK,

Defendant.

**JOINT MOTION TO ARBITRATE CLAIMS AND STAY MATTER
PENDING THE OUTCOME OF ARBITRATION**

Plaintiff, Diane Bennett (“Plaintiff”) and Defendant Synchrony Bank (“Synchrony”) (collectively, “the Parties”), by and through their undersigned counsel, pursuant to the Federal Arbitration Act (the “FAA”), 9 U.S.C. §1 et seq., hereby move this Court for entry of an Order staying the above-captioned case pending the outcome of arbitration of this dispute before an agreed arbitrator. In support of this motion, the Parties state as follows:

1. Plaintiff initiated the instant suit against Synchrony on March 9, 2017.
2. Pursuant to the Parties’ Cardholder Agreement, either Party may request that any dispute be resolved by binding arbitration.
3. After consulting with their respective counsel, the Parties have agreed to submit their dispute to an arbitrator pursuant to the Cardholder Agreement.
4. The Parties therefore respectfully request that the Court enter an Order staying this litigation pending the outcome of the arbitration.
5. The Parties will provide an update to the Court about the status of the matter within 15 days after the conclusion of the arbitration.

WHEREFORE, Plaintiff Diane Bennett and Defendant Synchrony Bank respectfully request that an Order staying the above-captioned matter pending the outcome of the Parties' arbitration of their dispute, and grant such other relief as is right and proper.

Dated this 29th day of June, 2017.

/s/Frank H. Kerney, III, Esquire

Frank H. Kerney, III, Esquire

Admitted Pro Hac Vice

Morgan & Morgan, Tampa, P.A. One

Tampa City Center

201 North Franklin Street, 7th Floor

Tampa, FL 33602

Telephone: (813) 223-5505

Facsimile: (813) 223-5402

fkerney@forthepeople.com

Counsel for Plaintiff

/s/Kyle D. Watlington, Esquire

Kyle D. Watlington, Esquire, #33647

KING & BALLOW

315 Union Street, Suite 1100

Nashville, TN 37201

Telephone: (615) 726-5437

Facsimile: (888) 688-0482

kwatlington@kingballow.com

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of June, 2017, I electronically filed the foregoing motion with the Clerk of the Court using the ECF system. The ECF system will send notification of such filing to counsel of record for the parties.

Frank H. Kerney, III, Esquire

Admitted Pro Hac Vice

Morgan & Morgan, Tampa, P.A. One Tampa City Center

201 North Franklin Street, 7th Floor Tampa, FL 33602

Telephone: (813) 223-5505

Facsimile: (813) 223-5402

fkerney@forthepeople.com

Attorney for Plaintiff Diane Bennett

/s/Kyle D. Watlington, Esquire